

11/09/99  
jc685 U.S. PTO

Patent  
Attorney's Docket No. 012712-644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT  
APPLICATION TRANSMITTAL LETTER

jc511 U.S. PTO  
09/436348  
11/09/99

Box PATENT APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed for filing is the utility patent application of Antonio J. GRILLO-LÓPEZ and John LEONARD for USE OF CHIMERIC ANTI-CD20 ANTIBODY AS *IN VITRO* OR *IN VIVO* PURGING AGENT IN PATIENTS RECEIVING BMT OR PBSC TRANSPLANT.

Also enclosed are:

- ☐ \_\_\_\_\_ sheet(s) of ☐ formal ☐ informal drawing(s);
- ☐ a claim for foreign priority under 35 U.S.C. §§ 119 and/or 365 is ☐ hereby made to \_  
filed in \_ on \_;  
☐ in the declaration;
- ☐ a certified copy of the priority document;
- ☐ a General Authorization for Petitions for Extensions of Time and Payment of Fees;
- ☒ One statement(s) claiming small entity status;
- ☐ an Assignment document;
- ☐ an Information Disclosure Statement; and
- ☐ Other: \_\_\_\_\_
- ☒ An ☐ executed ☒ unexecuted declaration of the inventor(s)  
☒ also is enclosed ☐ will follow.
- ☐ Please amend the specification by inserting before the first line the sentence --This application claims priority under 35 U.S.C. §§119 and/or 365 to \_ filed in \_ on \_; the entire content of which is hereby incorporated by reference.--
- ☐ A bibliographic data entry sheet is enclosed.



21839

☒ The filing fee has been calculated as follows ☐ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$760.00 (101)
Total Claims	6	MINUS 20 =	0	x \$18.00 (103)	0.00
Independent Claims	1	MINUS 3 =	0	x \$78.00 (102)	0.00
If multiple dependent claims are presented, add \$260.00 (104)					0.00
Total Application Fee					760.00
If verified Statement claiming small entity status is enclosed, subtract 50% of Total Application Fee					380.00
Add Assignment Recording Fee of if Assignment document is enclosed					0.00
<b>TOTAL APPLICATION FEE DUE</b>					<b>380.00</b>

☒ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.

☐ A check in the amount of \$ \_\_\_\_\_ is enclosed for the fee due.

☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.

☐ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Please address all correspondence concerning the present application to:

E. Joseph Gess  
Burns, Doane, Swecker & Mathis, L.L.P.  
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Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 9, 1999

By: 

Robin L. Teskin  
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Applicant or Patentee: Antonio J. Grillo-López et al.

Application or Patent No.: \_\_\_\_\_

Filed or Issued: November 9, 1999

For: USE OF CHIMERIC ANTI-CD20 ANTIBODY AS *IN VITRO* OR *IN VIVO* PURGING AGENT  
IN PATIENTS RECEIVING BMT OR PBSC TRANSPLANT

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN IDEC PHARMACEUTICALS CORPORATION

ADDRESS OF CONCERN 11011 Torreyana Road, San Diego, CA 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 1.21 for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average, over the previous fiscal year of the concern, of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled USE OF CHIMERIC ANTI-CD20 ANTIBODY AS *IN VITRO* OR *IN VIVO* PURGING AGENT IN PATIENTS RECEIVING BMT OR PBSC TRANSPLANT by inventor(s) ANTONIO J. GRILLO-LÓPEZ and JOHN LEONARD described in

- ☒ the specification filed herewith  
☐ Application No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below,\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

Application No. \_\_\_\_\_  
Attorney's Docket No. 012712-644

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ individual      ☐ small business concern      ☐ nonprofit organization

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ individual      ☐ small business concern      ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Christopher A. Dayton

TITLE OF PERSON OTHER THAN OWNER Assistant Secretary for Intellectual Property

ADDRESS OF PERSON SIGNING IDEC Pharmaceuticals Corporation  
11011 Torreyana Road, San Diego, CA 92121

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_